

REMARKS

Applicant submits this Reply in response to the Final Office Action mailed November 25, 2009. Claims 45-85, 87-89, and 91 are submitted for examination, of which claims 45, 68, and 85 are independent. By this Reply, Applicant has amended claims 45, 68, and 85 and canceled claims 59, 60, and 88 without prejudice or disclaimer. No new matter has been added.

In the Office Action, the Examiner rejected claim 88 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; rejected claims 85, 87-89, and 91 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. App. Pub. No. 2001/0002608 ("Okada"); rejected claims 45, 48-65, 68-76, and 78-82 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2002/0088529 ("Ogawa") in view of WO 01/39963 ("Caretta") and at least one of U.S. Pat. No. 3,264,162 ("Holman") and U.S. Pat. No. 4,088,524 ("Taylor"), and further in view of at least one of U.S. Pat. No. 5,354,404 ("Benjamin") and U.S. Pat. No. 3,696,949 ("Leblond"); and rejected claims 46, 47, 66, 67, 83, and 84 under § 103(a) as being unpatentable over Ogawa in view of Caretta and at least one of Holman and Taylor, and further in view of Okada and at least one of Benjamin and Leblond.

Applicant also notes that in the Office Action, the Examiner indicated claim 77 would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Office Action at 4. Applicant appreciates the Examiner's indication of allowable subject matter.

Applicant respectfully traverses all pending objections and rejections for at least the reasons discussed below.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claim 88 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Office Action at 2. According to the Examiner, "In claim 88, no antecedent basis has been established for 'the at least two handling units.'" Id.

Applicant notes that claim 88 has been canceled by this Reply and, as a result, the Examiner's rejection is moot. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

Rejection Under 35 U.S.C. § 102

Applicant respectfully traverses the rejection of claims 85, 87-89, and 91 under 35 U.S.C. § 102(b) as being anticipated by Okada. In order to properly establish that Okada anticipates Applicant's claimed invention under 35 U.S.C. § 102, every element of the claims in issue must be found, either expressly or described under principles of inherency, in that single reference. See M.P.E.P. § 2131. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the... claim." Id. (quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989)).

Okada fails to disclose every element recited in amended independent claim 85. Amended independent claim 85 recites, in part, "A completion station, comprising . . . at least two units for handling incomplete tire structures, . . . each configured to access a

storage station capable of storing a plurality of incomplete tire structures." Nowhere does it appear Okada discloses such features.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of amended independent claim 85 under § 102 based on Okada. Moreover, claims 87, 89, and 91 (claim 88 having been canceled) depend from independent claim 85 and, thus, contain all the elements and limitations thereof. As a result, dependent claims 87, 89, and 91 are allowable at least due to their corresponding dependence from independent claim 85.

Rejections Under 35 U.S.C. § 103(a)

Applying 35 U.S.C. § 103(a), the Examiner rejected claims 45, 48-65, 68-76, and 78-82 as being unpatentable over Ogawa in view of Caretta and at least one of Holman and Taylor, and further in view of at least one of Benjamin and Leblond; and rejected claims 46, 47, 66, 67, 83, and 84 as being unpatentable over Ogawa in view of Caretta and at least one of Holman and Taylor, and further in view of Okada and at least one of Benjamin and Leblond. Applicant respectfully traverses these claim rejections for the reasons outlined in more detail below.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must disclose all of the claim limitations, or the claim rejection must explain why the differences between the prior art and the claim limitations would have been obvious to one of ordinary skill in the art. See M.P.E.P. § 2141.

A *prima facie* case of obviousness has not been established because, among other things, none of Ogawa, Caretta, Holman, Taylor, Benjamin, Leblond, or Okada, alone or in any combination, teaches or renders obvious every feature of Applicant's

amended claims. Specifically, no reference cited by the Examiner teaches or suggests at least "A process for producing tires, comprising . . . temporarily storing the incomplete tire structures in a storage station configured to store a plurality of incomplete tire structures; transferring the incomplete tire structures to at least one completion station; . . . in the at least one completion station, forming at least one constituent tire element on each incomplete tire structure . . . , wherein the storing of the incomplete tire structures is able to absorb the production of the assembly line when the latter is operative and supply the completion station even when the assembly line is at a standstill [and] wherein the completion station comprises at least two handling units configured to access the incomplete tire structures stored in the storage station," as recited in amended independent claim 45. Amended independent claim 68 recites similar features.

In the Office Action, the Examiner contends that Benjamin, Leblond, and Caretta all teach "wherein the storing of the incomplete tire structures is able to absorb the production of the assembly line when the latter is operative and supply the completion station even when the assembly line is at a standstill." However, none of those references, nor any other reference cited in the Office Action, teach or render obvious, "wherein the completion station comprises at least two handling units configured to access the incomplete tire structures stored in the storage station." For example, even assuming, *arguendo*, that the multiple holding station 23 of Caretta can "absorb the production of the assembly line . . . and supply the completion station even when the assembly line is at a standstill," that reference does not teach or suggest "transferring the incomplete tire structures to at least one completion station . . . wherein the

completion station comprises at least two handling units configured to access the incomplete tire structures stored in the storage station."

A goal of Applicant's claimed invention, in at least one exemplary embodiment, is to prepare multiple incomplete tire structures for vulcanization simultaneously, using at least two handling units. The productivity and efficiency of this process is optimized through the use of a storage station for storing incomplete tire structures that is accessible to the handling units of the completion station. Applicant's specification explains, with respect to one exemplary embodiment:

[I]t is possible to envisage that the abovementioned three supplying members 19a, 19b and 19c [of the completion station] are intended to form, respectively, a first tread band, a second tread band and the sidewalls. In this case the handling unit 20a will bring the incomplete structure 13a associated therewith into the vicinity of the members 19a and 19c, while the handling unit 20b will bring the incomplete structure 13b associated therewith into the vicinity of the members 19b and 19c. In this way it will be possible to perform simultaneous processing of two tires having for example tread bands composed of mixes which are different from each other.

Specification at page 19, lines 13-25 (emphasis added). The plants and processes discussed in Ogawa, Caretta, Holman, Taylor, Benjamin, Leblond, and Okada cannot achieve these advantages. Nowhere do any of the references cited in the Office Action disclose, "wherein the completion station comprises at least two handling units configured to access the incomplete tire structures stored in the storage station."

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of amended independent claims 45 and 68 under 35 U.S.C. § 103(a). Moreover, claims 46-58, 61-67, 69-76, and 78-84 each depend from one of amended independent claims 45 and 68 and thus, contain all the elements and limitations thereof. As a result, dependent claims 46-58, 61-67, 69-76, and 78-84 are

allowable at least due to their corresponding dependence from amended independent claims 45 and 68.

Claim Scope

It is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and or shown in the drawings. Rather, Applicant believes that he is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application, and the timely allowance of the pending claims.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned attorney at (404) 653-6435.

Applicant respectfully notes that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicant respectfully declines to automatically subscribe to them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 13, 2010

By: 

Benjamin D. Bailey
Reg. No. 60,539